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1ST CIRCUIT COURT
 STATE OF HAWAII
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T. WONG
 CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE
 APPLICATION OF THE STATE OF
 HAWAII FOR A WRIT OF HABEAS
 CORPUS AD PROSEQUENDUM RE
 GAVIN A. H. KALAI,

Defendant.

S. P. NO. **07-1-0161**
 (Cr. Nos. 03-1-0953 and 03-1-2083)

APPLICATION FOR WRIT OF HABEAS
 CORPUS AD PROSEQUENDUM; ORDER
 DIRECTING ISSUANCE OF WRIT OF
 HABEAS CORPUS AD
 PROSEQUENDUM; WRIT OF HABEAS
 CORPUS AD PROSEQUENDUM

APPLICATION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE KARL K. SAKAMOTO, JUDGE OF THE ABOVE ENTITLED COURT:

Comes now the STATE OF HAWAII, by and through William Li, Deputy Prosecuting Attorney of the City and County of Honolulu, State of Hawaii, and respectfully alleges as follows:

1. That GAVIN A. H. KALAI, has two cases in the Circuit Court of the First Circuit, Honolulu, Hawaii, Criminal Nos. 03-1-0953 and 03-1-2083;
2. That on June 22, 2005, Motion for Revocation of Probation and Resentencing were filed in the Circuit Court of the First Circuit in Criminal Nos. 03-1-0953 and 03-1-2083, and subsequently, Bench Warrants were issued for the arrest of Defendant;

EXHIBIT "B"

3. That said Defendant is now imprisoned as a federal prisoner under the custody of the UNITED STATES MARSHAL, District of Hawaii, and is being detained at the Federal Detention Center, Honolulu, Hawaii, and

4. That in order to procure Defendant's presence in the Circuit Court of the First Circuit, it is necessary that a Writ of Habeas Corpus ad Prosequendum be issued, pursuant to Chapter 660, Hawaii Revised Statutes.

WHEREFORE, Applicant prays that the Clerk of this Court be directed to issue a Writ of Habeas Corpus ad Prosequendum commanding the:

UNITED STATES MARSHAL, District of Hawaii, or his/her deputy to make available the body of GAVIN A. H. KALAI to State of Hawaii Officials on May 23, 2007, and at any time or times deemed necessary until the conclusion of Criminal Nos. 03-1-0953 and 03-1-2083; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:


1. execute the bench warrants issued in Criminal Nos. 03-1-0953 and 03-1-2083;
2. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 03-1-0953 and 03-1-2083;
3. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter

4. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, upon conclusion of Criminal Nos. 03-1-0953 and 03-1-2083 on a mutually agreed upon date.

Dated at Honolulu, Hawaii: April 30, 2007.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
WILLIAM LI
Deputy Prosecuting Attorney
City and County of Honolulu

ORDER DIRECTING ISSUANCE OF
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the Clerk of this Court be and hereby is instructed to issue the Writ of Habeas Corpus ad Prosequendum prayed for in the foregoing Application.

Dated at Honolulu, Hawaii: MAY 02 2007



KARL K. SAKAMOTO
Judge of the above entitled court



WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: UNITED STATES MARSHAL, District of Hawaii, or His/Her Deputy; and
STATE OF HAWAII OFFICIALS

GREETINGS:

We command that you, UNITED STATES MARSHAL, District of Hawaii, or your Deputy, produce the body of GAVIN A. H. KALAI, who is being detained as a federal prisoner under your custody, to STATE OF HAWAII OFFICIALS on May 23, 2007, and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:

1. execute the bench warrants issued in Criminal Nos. 03-1-0953 and 03-1-2083;
2. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 03-1-0953 and 03-1-2083;
3. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter
4. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, upon conclusion of Criminal Nos. 03-1-0953 and 03-1-2083 on a mutually agreed upon date.

Upon completion of the above and conclusion of Criminal Nos. 03-1-0953 and 03-1-2083, it shall be deemed sufficient compliance with this writ.

WITNESS the Honorable KARL K. SAKAMOTO, Judge of the Circuit Court of the First Circuit at Honolulu, Hawaii, and the seal of said Court this _____ day of

MAY 02 2007

Karl K. Sakamoto

Judge of the Circuit Court
First Circuit, State of Hawaii



A. Kato

Clerk, Circuit Court, First Circuit
State of Hawaii